



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/986,651	11/09/2001	Shinsuke Yamaguchi	57454-299	5602

20277 7590 08/26/2003
MCDERMOTT WILL & EMERY
600 13TH STREET, N.W.
WASHINGTON, DC 20005-3096

EXAMINER

JONES, SCOTT E

ART UNIT	PAPER NUMBER
----------	--------------

3713

DATE MAILED: 08/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/986,651

Applicant(s)

YAMAGUCHI, SHINSUKE

Examiner

Scott E. Jones

Art Unit

3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 November 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Drawings

1. The drawings are objected to because
 - In figures 2, 12, and 13, "Remaining" is misspelled "Remainning".
 - In figure 10, "*" designates a note that refers to process step S32, however, process step S32 is not in the figure.

The examiner has noted several deficiencies with the figures hereinabove; Applicant should review the drawings and submit corrections for all deficiencies including those noted above. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

2. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.
3. A substitute specification in proper idiomatic English and in compliance with 37 CFR 1.52(a) and (b) is required. The substitute specification filed must be accompanied by a statement that it contains no new matter.
4. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

Art Unit: 3713

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. As best understood by the examiner, claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Ugawa (U.S. 5,836,819).

Ugawa discloses an image display type game machine including an image display apparatus that can provide an image display of a play field, a flipped ball moving around the play field, and a variable display device that can cause the visual representation of the display to change. The image display type game machine includes a game starter condition detection unit for detecting establishment of a predetermined game starter condition, an automatic ball-shoot display control unit for providing an image display of a ball automatically flipped into the play field when the game starter condition detection unit detects establishment of a game starter condition, and a variable display control unit for providing an image display control of

Art Unit: 3713

producing a display result after the variable display device begins to change its visual representation (column 6, lines 8-22). Ugawa additionally discloses:

Regarding Claim 1:

- shooting count storage means for storing a number of the play mediums available for shooting into said play field (Fig. 1 (10)(11) and column 13, lines 9-17);
- start designation manipulation detection means for detecting a shooting start designation manipulation for designating start of shooting of the play mediums into said play field, which is different from a manipulation to cause a prescribed member to rotate (Fig. 1 (24), column 6, lines 13-15, and column 10, line 62);
- shooting control means for causing a shooting operation of the play mediums by the number stored in said shooting count storage means into said play field to be started in response to detection by said start designation manipulation detection means, and causing the shooting of the play mediums to be stopped once the play mediums of the number stored in said shooting count storage means have been shot (Fig. 1 (24), column 6, lines 13-15, and column 10, line 62); Furthermore, a player can no longer shoot balls (play mediums) when they run out of balls (Column 12, lines 58-60).
- stop designation manipulation detection means for detecting a shooting stop designation manipulation of the play mediums (Column 12, lines 58-60);
- wherein said shooting control means causes the shooting of the play mediums to be stopped in response to detection by said stop designation manipulation detection means (Column 12, lines 58-60).

Regarding Claim 2:

Art Unit: 3713

- shooting count display means for displaying the number of the play mediums stored in said shooting count storage means in an identifiable manner (Fig. 1 (10)(11) and column 13, lines 9-17).

Regarding Claim 3:

- accounting manipulation detection means for detecting a manipulation for settling a play result, wherein said shooting control means causes the shooting of the play mediums to be stopped in response to detection by said accounting manipulation detection means (Column 6, lines 39-32, column 7, lines 1-13, and column 10, lines 55-59). When a player settles a play result by pressing button (21), no balls or credits are left over because a player has been "paid out". Therefore, since no balls or credits are available, the shooting of the balls (play mediums) would inherently stop.

Regarding Claim 4:

- said shooting control means causes the shooting operation of the play mediums to be restarted when the number of the play mediums that is stored in said shooting count storage means is incremented within a predetermined time period from a time point when the shooting of the play mediums was stopped as the play mediums by the number stored in said shooting count storage means had been shot, even if said shooting start designation manipulation is not effected (Column 16, lines 1-32, 47-63 and Figs. 6-9). Once a player inserts more money into the machine and the money is detected by the machine, then a player is provided credits or balls equivalent to the amount of money inserted into the machine. Thus, the shooting operation of the balls (play mediums) is restarted.

Regarding Claim 5:

- said play field, said play medium and said winning region are displayed as images by an image display device mounted to said game machine (Fig. 1 and column 6, lines 8-13).

Regarding Claim 6:

- select manipulation detection means for detecting a manipulation for selecting the play field, wherein said image display device displays one of a predetermined number of different kinds of play fields in accordance with a detected result of said select manipulation detection means (Column 7, lines 55-60).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ugawa (U.S. 5,836,819).

Ugawa discloses to one having ordinary skill in the art that as discussed above regarding claims 1-6. However, Ugawa seems to lack explicitly disclosing:

Regarding Claim 7:

- wherein said shooting start designation manipulation means and said shooting stop designation manipulation means are formed of a transparent electrode film (touch screen).

However, to one having ordinary skill in the art at the time of Applicant's invention, it was notoriously well known to use touch screen technology in gaming machines to:

- enable a player to set gaming preferences.
- request a payout.
- start a game (such as to start spinning a set of reels).
- place a bet.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to incorporate touch screen technology for the start and stop shooting designation manipulation means. One would be motivated to do so because mechanical pushbuttons have a limited lifespan, that is, pushbuttons have mechanical parts that eventually fail, whereas, touch screen technology provides an easy and somewhat effortless way for a player to start a game, stop a game, or select game preferences for a game from a menu on a display.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Walker et al. '217, '052, and '552 and Bridgeman et al. '736 disclose gaming or pachinko machines that utilize touch screen technology.
- Bennett et al. '856, Lawlor et al. '375, and Parker et al. '879 disclose pachinko game machines.

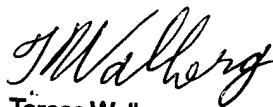
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott E. Jones whose telephone number is (703) 308-7133. The examiner can normally be reached on Monday - Friday, 8:30 A.M. - 5:30 P.M..

Art Unit: 3713

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teresa Walberg can be reached on (703) 308-¹³²⁷~~1148~~. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

SEJ
sej


Teresa Walberg
Supervisory Patent Examiner
Group 3700